

of "The Chairman's Guide and Secretary's Companion"). A motion to adjourn the debate, simply defers the question to a future day. The motion for passing on to the next business, merely supersedes the matter then under discussion and the House must be taken to have refused to proceed with the discussion at that meeting but that "the Bill is not otherwise disposed of". I think therefore that the discussion can proceed from the stage at which it was left at the last meeting. The acceptance of the contention put forward by Mr. Kumaran Ezhuthassan will amount to attributing to the Legislature an intention to provide for a circumvention of the rules regarding Bills which can justifiably be rejected only if any of the motions relating to its passage is rejected. It is not right to attribute such an intent to the Legislature. The motion for passing on to the business next in the Agenda could have been intended only as a means to suspend the discussion of a subject for the time being, which can either well afford to wait or with a view to proceed to more urgent matters appearing in the statement of business or for any other purpose than stifling by an indirect method the open discussion of the matter resulting in a direct vote of the House which alone can be said to give a final disposal to the matter. Accordingly, I rule that it is in order to proceed with the further consideration of the Bill.

4. NON-OFFICIAL BILLS—(cont.)

(i) The Cochin Verumpattamdars' Act (Amendment) Bill

Mr. M. Sivarama Menon (*Advocate-General*): Sir, I wish to inform the House that the amendments standing on the order paper in my name are not being moved by me.

Mr. A. Eachara Menon (*Chittur-Tattamangalam*): The reason for having withdrawn the amendments is very plain; and so I withdraw the Bill.

Bill, by leave, withdrawn

(ii) The Cochin Verumpattamdars' Act (Amendment) Bill

* **Mr. L. M. Pylee** (*Latin Christian-Ernakulam*): Mr. President, Sir. I move for the introduction of the Cochin Verumpattamdars' Act (Amendment) Bill. In the statement of objects and reasons, Sir, I have made my purpose clear. The purpose of my Bill is to extend the benefit of the fixity of tenure provided for in the main Act to a certain class of Verumpattam lessees within the Municipal areas. Hon'ble Members are aware that by section 3 of the Act, lands situated within the Municipal towns but which are not used for paddy cultivation are excluded from the application of the Act. Thus the benefit of the fixity of tenure to the Verumpattam lessees is denied to such of them who happen to have their holdings within the Municipal areas. There is a prevalent opinion, Sir, especially in the lower ranks of society, the poorer class of society that this is a real hardship, which many residents in Municipal areas have to suffer. I crave the indulgence of the House in support of my contention and I would bring to the notice of the House that a memorial setting forth their case has been submitted to the Government and to His Highness the Maharaja by a representative body of such lessees in the Municipal areas. Sir, I would request the House to bear with me if I take the liberty to quote at length some passages from this memorial because I think I cannot argue it better than bringing to the notice of the Hon'ble Members what has been stated in this memorial. Sir, it is here: "We beg to state that within the Municipal towns of the State, there are large numbers of Verumpattamdars (lessees). Most of these have only small holdings, often only a few cents of land. Usually these holdings are used for house sites. The lands are held from the jemmies (land-lords), several of whom are large institutions, like the Devaswams, the Jewish Synagogue, Mosques and Churches or very rich and powerful land-lords, who are individuals or joint families. The Verumpattam tenants within the Municipal towns usually belong to the poorer classes. Most of these lands have been held on Verumpattam tenure for long decades and generations. This unjust provision—I refer to section 3 of the Act which precludes Verumpattam lessees in the Municipal areas from enjoying the fixity of tenure which the lessees in rural parts enjoy—that unjust provision, the memorial says "is a powerful weapon in the hands of the jemmies. Armed with this weapon and in order to forestall any attempt that may be made to give relief to the tenants in this matter, the jemmies are trying to evict the lessees and resume possession of the holdings. The information, Sir, is that many of these lessees are being evicted and there are cases pending in the Court and with the apprehension that the Legislature may come to the aid of these lessees proceedings are expedited. Many of the jemmies are in a

* Speech not corrected by the Hon'ble Member.

hurry to see that before anything is done by this House, these lessees are packed off from their holdings which they have been enjoying. "The great incentive for this large-scale move for evictions is, besides the apprehension of any legislative enactment modifying the above-mentioned provision in the Act, the increase in the money value of the lands, brought about by the prevailing economic conditions. The jenmies find that it would be of great financial advantage to them if the tenants are evicted and the holdings are resumed in possession." This is the temptation that has induced the powerful jenmies who have got the privilege of evicting these poor tenants who have their holdings within the Municipal areas. This conviction that if these lessees are evicted and if the lands are resumed they would fetch a very high price, I am sorry to say, is the monetary, mercenary motive that have induced these rich people to see that as early and as soon as possible these poor tenants are evicted from their holdings and the lands are assumed. I continue. "We most humbly beg to point out that the history of the Verumpattom tenancy in Municipal towns does not justify such action on the part of the jenmies. The Municipal towns of the present day were not what they are now. Long before any Municipal regulation came into existence in our State, waste lands, marshes and other lands considered as unfit for any use whatsoever, were given by jenmies on rent to poor persons. Many jenmies were only too anxious to give away such lands so that somehow they may undergo some improvement. The poor lessees in most cases during several decades and successive generations improved these useless lands, reclaimed pools and marshes, planted trees and erected their modest dwelling houses on them. And now when because of world economic conditions and town extensions and improvements, brought about neither by the jenmi nor by the lessee the lands have risen in value, the jenmies are trying to turn out the lessees, whose labour and money alone have been responsible for the caveatous condition in which the holdings are now found. If the value of the lands have increased by external conditions and internal improvements, the idle jenmies have no right to benefit by it at the expense of the poor lessees who have spent labour and money to make the land what they are now." I do not exactly agree with that point that the jenmies have done nothing to improve the land. But to say that the main part, the lion's share should go to the jenmies and that the poor tenants who have been converting these marshy pools into smiling gardens that some of these lands have become because of their toil and labour, seems to me unreasonable and unjust. "The contention that on eviction the lessees would get compensation for improvements does not hold water in view of the injustice that has to be perpetrated upon the lessees by eviction and of the enormity of the advantage accruing to the jenmies for absolutely nothing done by him either externally or internally in relation to the holdings and of the comparative smallness of the so-called compensation to which at present the lessees are eligible." Sir, on a previous occasion when a similar Bill was tabled in this House, this was one of the arguments brought forward. "We therefore submit that if land value has increased, it is the lessees who are entitled to be benefitted by it much more than the jenmies, and that in any event, it would be sheer cruelty and injustice for jenmies to dispossess the lessees of their lands in the present economic conditions. Eviction is not the only hardship which the lessees are now made to suffer. Refusal to accept rents tendered in order to make it appear that the lessee is a defaulter and therefore deserves to be evicted is a frequent device of the jenmi. This is sheer injustice, Sir, by which when the rent is tendered by some device or other, it is not accepted and then it is construed, or rather misconstrued as a default of the payment of rent. Then again "revision rent with exorbitant increases is forced upon the lessee, who, because of the fear of eviction, has to yield to such demands. Some jenmies make a revision of rent and fix exorbitant rates and then proceed to evict the lessees so that even during that interval a higher rate of rent might accrue. In so many ways, lessees are cheated, harassed and maltreated." Sir, therefore, this memorial was submitted to Government to extend the provision of fixity of tenure to Municipal areas also. It might be pointed out, Sir, that when the main Act was passed, the consideration was this, namely, that the Act should apply only to agricultural lands and not to these kinds of lands like house sites, etc. in Municipal areas. I admit, Sir, at that time it was contemplated to include agricultural lands only within the purview of this Act. That is the reason why paddy fields are exempted. But I ask the House whether fixity of tenure should not be applied to the house sites within the towns because there is a growing dearth of dwelling houses in Municipal areas; and to these people who have spent their money and labour some times for generations and for decades why should not fixity of tenure on reasonable conditions be extended? Because the main Act was intended to be applicable only to agricultural lands, may I ask now whether it is the reason not to extend that principle to house sites and other plots in the Municipal areas. I know that in some places Government have evicted tenants for the matter of food production. In rural areas

if people are evicted from their holdings, it would be easy for them for finding accommodation elsewhere; but in the case of Municipal areas where the labour population is increasing and other complications are arising, it will not be so easy for the poor people who have been evicted from their holdings, to find accommodation in these hard days and under the hard circumstances. I therefore submit this Bill as a measure of justice, as a measure of sheer justice, greater justice than what has been conceded in the cases of agricultural lands. I repeat this point, namely that if you apply to agricultural lands the principle of the main Act, there is a greater necessity, I say, to apply the same in the case of house sites. Sir, it is not to any lessee that I want the right as embodied in my amendment to be extended but to any body who occupy the holdings within the Municipal areas for fifteen years or more. In the Bill I have put it thus: "lands which the lessees have by themselves or through their predecessors in interest have been uninterruptedly holding for a period of not less than fifteen years prior to the commencement of this Act and which the lessees or their predecessors in interest have during the said period improved by planting trees or by constructing buildings." Some of the Hon'ble Members of this House are aware of the condition of this smiling city, the town of Ernakulam once upon a time. Wherever you turn, you used to see useless lands, marshes and pools. These plots were given away for nominal rents; it was not given away to rich people. The poor tenants who were given these lands improved them by their toil and labour. It is a real misery to see how in the town of Ernakulam in the circumstances even rich people could not get a house—I searched the whole of Ernakulam for a house and I was not able to find one. Even when the richest man could not find accommodation in the town you want to evict the people who had spent money, and labour and toil to improve the lands. That would be a very cruel act. What is it that the jenmy wants? The jenmy will get a lot of money from the lands, if he is able to evict the poor tenants; because the land value has increased by their efforts, not by the efforts of the jenmies but by that of the poor tenants and now for the jenmy to come forward and reap the benefits for himself will only be unjust. Sir, there must be a limit for this avarice. I would therefore commend this amendment to the sense of justice of this House.

One more point I have to say. There are a number of cases pending in the courts on this matter and the jenmies are eager to see that the business is finished off before any legislative enactment comes into force. I say that at least till a settlement on this pending Bill is reached these cases may be suspended and the execution of the decrees be stayed. Sir, I am surprised to see that Government have turned a deaf ear to all the requests contemplated in the memorial and those requests have been rejected. Sir, I therefore bring once again to the notice of the Government that till the fate of this Bill is finally decided all cases pending in courts and the decrees that are hurriedly being executed be suspended. In the last Council similar Bill was brought forward by me. It passed through all the stages. It was referred to a Select Committee; the Select Committee had deliberations on it, recommendations were made; but at the last moment when the third reading of the Bill came, it was thrown out because of jenmy interests in that House. I presume and presume rightly that this is not a jenmy House. I have a better hope that this Bill will find a better fate than its predecessor. Sir, with these observations I resume my seat.

***Mr. P. Kumaran Ezhuthassan (Vadakkancheri):** It is not with the idea of enjoying or troubling my Hon'ble friends with my own voice that I propose to intervene in this matter at this moment. I have a particular purpose which I will place before the House presently. The impropriety of excluding house sites and garden lands in Municipal areas from the purview of the Act which at that time was considered to be the Magna Carta of the tenantry of Cochin is clear. That has been referred to by the Hon'ble mover. Sir, this is a clause which found its place in the existing Act as a result of an amendment moved in another form which was referred to a Select Committee. They made certain suitable amendments, some deliberate changes suitable to the interested parties—not to the tenants. It was moved by the Revenue Member of those days and after some discussion, the Revenue Member for the reason that he happened to belong to the Treasury Benches in which expression I include not only the number of nominated Government servants but Hon'ble Members who are interested in the capitalistic classes or who are themselves capitalist or who are themselves landlords or who are themselves minor jenmies in contra-distinction to big landlords of this beautiful Cochin keeping in their possession extensive, unduly and unnecessarily large areas not even properly cultivated, and not let out for cultivation—that was the existing state of affairs in Cochin—the amended Bill was passed, because

*Speech not corrected by the Hon'ble Member.

of the composition of the House of the nature that I described, it was that the Government succeeded in having its amendment passed. And there is a very revealing story to be understood to be stressed, by the House in connection with that voting. The result of the voting was, Sir, "amendment put and carried". There was a troublesome element which demanded a poll. It is not necessary to say who that element is. The Deputy President announced 20 for and 20 against, and stated that he was inclined to give his casting vote in favour of the status quo. Hence the amendment was lost. Is it not a revealing story, Sir, that you find in this. Attempt is made to find out who is who. But it was not granted. But it is sufficient for this purpose to say that it was the casting vote of the Deputy President, necessarily casting his vote rightly, also to maintain the status quo, that the amendment was passed. But the question of questions is whether there was any necessity to vote for maintaining the status quo. What is the status quo. The fact is that it was by the casting vote rightly or wrongly cast by the Deputy President, that this unholy amendment was passed. And ever since that day, Sir, on which this unhappy clause went into the Statute Book, that is taking away from the purview of the Verumpattamdars Act garden lands and house site in Municipal areas, it must be noted the mischiefs were made in time and quickly, a history of that former attempt in that line has been made. Again going into the printed proceedings it is reported, you will find, Sir, that it was on the strength of the number of Hon'ble Government Members, probably a large number, much larger than what it is today, plus the Hon'ble members representing 3 or 4 Municipalities, interested, themselves owning houses and garden lands in Municipal areas and with the additional support of the Hon'ble Members of the type that I described earlier, it was in that wise, Sir, that my Hon'ble friend's attempt to rectify that mistake, to right a wrong, that was communicated at an earlier stage was lost. Here comes again undaunted but with an unnecessary proviso in it. He has fixed a time limit, an age for the old age, why is it? Why? Why? Every bit of land in the municipal area should come within the purview of the Act for the reason of that being a bit of land, it must get the benefit of the Act. Of course that will be considered at a later stage. I just now only pointed out but I have not reached the point for which I have thought it necessary to intervene in this debate. Of course this provision is also seen in the other amending Bills. But I do not want to have any time limit. I don't want to agree to any such provision even though my Bill fixes the period as 12 years. When this bill goes to a Select Committee we will see that it is taken away. It is possible, Sir, not only in connection with this Bill but it is going to be the case in connection even with the constitution Act. Now, Sir, the various inequalities indulged in by these capitalist jemmies—I hate that word capitalist—by resorting to rouses, by not accepting the taxes due on the holding and resorting to every so many other rouses pointed out by my Hon'ble friend the Mover of the Bill from the innumerable petitions received by him and which I hope have been received by other Hon'ble Members also and provided the Hon'ble Members have taken the pain to read the agony of the Verumpattam tenants in possession of garden lands and house sites in Municipalities must have been not only felt by the writing there sufficiently strong to be seen as if the whole picture was standing before the minds eye. That is the agony that is described in the innumerable papers sent up in the shape of resolutions passed by various associations one fighting with the other. There is another point also which I shall deal at a later stage. I request that every Member of this House may be pleased to cast his vote in support of justice, justice, unallied justice and not side with the undesirable capitalist Jenmi. That is a refrain to the various resolutions that have been passed, copies of which have been sent to everyone of us. That being the position of the Verumpattam tenants in Municipalities in possession of garden lands and house sites and the fact that innumerable cases are, have already been filed, are being filed and are perhaps proposed to be filed as detailed there, in view of that fact I am convinced that it is the incumbent duty of the Government of Cochin even of the old days, it is more so a necessity of the Government of the day, to take steps to see that till such time that this amendment Act gets through all its stages, viz., Select Committee, consideration and all the other stages are gone through and it goes into the Statute Book, all these statements are firm convictions and this amendment will be passed, with the working of the minds of the powers that be, that this House passed this Bill certain as anything, the necessary subsequent things will follow. Further I may inform the House that this piece of legislation is going to find a place in the Statute Book and that every bit of land within the Municipal limits is to be affected and will be affected by this Tenancy Legislation. There I see that in that clause. That being so, with the guarantee, with the sureness, that right thinking minds can easily find that this is going to find a place on the Statute Book, I make a request which is nothing other than a demand but since it has something to do with powers which constitute the foundation of Justice, I make a modest

and a humble request that appropriate steps be taken to see that cases pending with regard to eviction, but that I mean eviction suits of garden lands in Municipalities not only in regard to suits pending but with regard to suits decreed but not executed, not in regard to decrees passed but not executed, but even the next stage if it is not completed, there is an interregnum stage and that is after the decree it can be kept without execution but which can be put into execution at a later stage, are saved so that those tenants may not be divested of their property. My earnest and humble prayer is that a Royal Proclamation may immediately be arranged to be passed subject to the trial of suits, staying the execution of decree pending and which may be in any stage whatsoever. This is the purpose for which I thought it necessary to intervene in this debate. By that I do not mean that this is an indication for others not to speak. I request to be excused for that if any Hon'ble Member has taken it in that light. This is the purpose for which I rose to speak on this Bill.

Mr. M. Sivarama Menon (Advocate-General): Sir, the Hon'ble mover of this Bill has brought to the notice of the House the chequered career of a Bill of this nature, which he tabled before this House on a former occasion. Government then opposed the Bill, but since it is found that several amending Bills to the Verumpattamdars Act have been tabled in the House, Government have for the present taken the view that all these Bills may be considered on their merits with an open mind. I shall be failing in my duty if I do not point out to the House that it is not proper to classify all landlords as capitalists. Every lessor is a landlord so far as the Verumpattamdar is concerned. Such a landlord may own only the plot that has been leased out by him to the Verumpattamdar. Can you call such a landlord a capitalist and treat him in the same way as you may in respect of a landlord who owns thousand acres of land? This is only by way of stimulating your thoughts on the question whether you are not prejudicing the interests of those who belong to the middle class. If justice is to be done to both the parties, matters must be viewed within the realm of actuality. At the time the original Verumpattamdars Act was considered by the Select Committee, the housing problem was not seriously considered by them. It is now very strongly pointed out by the Hon'ble mover of this Bill that the housing problem has become very serious. This is a matter to which special attention will be devoted.

We have been told by the Hon'ble Member for Vadakkancheri that irrespective of views that may be advanced, this amending Bill will be placed on the Statute Book. This means that he forestalls that Select Committee will not be open to conviction. An announcement of this nature is bound to create a feeling of despair and I do hope that unaffected by the opinion of that Hon'ble Member, the Select Committee will keep an open mind and consider all relevant aspects in their mind before taking a decision. Let me hope that just and right decisions will be taken so that there may be no embarrassment to the Government.

Mr. L. M. Pylee (Latin Christian-Ernakulam): Sir, I am glad that Government are not opposing this bill and the intention is to refer it to a Select Committee, which I understand has already taken some action in the matter. At the last meeting of the Select Committee which is considering Mr. Krishnan Ezhuthassan's Bill a recommendation was made about this Bill, namely to stay proceedings in law courts in cases where eviction of Verumpattam tenants within Municipalities are concerned.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Verumpattamdars' Act (Amendment) Bill.

Mr. L. M. Pylee (Latin Christian-Ernakulam): Sir, I move that this Bill may be referred to the same Select Committee which is considering Mr. Krishnan Ezhuthassan's Verumpattamdars' Act (Amendment) Bill.

Mr. M. K. Raja (Mulakunnathukavu): I second it.

Motion put and carried

NON-OFFICIAL RESOLUTIONS—(cont.)

6. The Agrarian Problems of the State—(cont.)

***Mr. P. Kumaran Ezhuthassan (Vadakkancheri):** Mr. President, Sir, while the House rose yesterday I had just dwelt with a point or two according to my likes on the subject. Today, Sir, I can very profitably begin this discussion by giving a quotation from a certain